

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 58th LEGISLATURE - REGULAR SESSION

COMMITTEE ON BUSINESS AND LABOR

Call to Order: By **CHAIRMAN JOE MCKENNEY**, on April 9, 2003 at 9:00 A.M., in Room 172 Capitol.

ROLL CALL

Members Present:

Rep. Joe McKenney, Chairman (R)
Rep. Jim Keane, Vice Chairman (D)
Rep. Donald Steinbeisser, Vice Chairman (R)
Rep. Bob Bergren (D)
Rep. Rod Bitney (R)
Rep. Sylvia Bookout-Reinicke (R)
Rep. Nancy Fritz (D)
Rep. Dave Gallik (D)
Rep. Kathleen Galvin-Halcro (D)
Rep. Ray Hawk (R)
Rep. Bob Lawson (R)
Rep. Rick Maedje (R)
Rep. Gary Matthews (D)
Rep. Scott Mendenhall (R)
Rep. Penny Morgan (R)
Rep. Allen Rome (R)
Rep. Sandy Weiss (D)
Rep. Bill Wilson (D)

Members Excused: None.

Members Absent: None.

Staff Present: Bart Campbell, Legislative Branch
Alberta Strachan, Committee Secretary

Please Note. These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing & Date Posted: SB 464 (4/3/03)
Executive Action: SB 458 Be Concurred In

HEARING ON SB 464

Sponsor: SEN. BOB KEENAN, SD 38, Bigfork

Opening Statement by Sponsor:

SEN. KEENAN said this bill was an act revising laws governing food establishments. It revises food establishment licensure fees, it defines "temporary risk establishment" and requires a license for temporary risk establishments. It also provides for licensure of food establishments operated by the State or a political subdivision of the State unless they employ a full-time sanitarian. It exempts establishments operated by nonprofit organizations that do not serve potentially hazardous food. It requires annual inspections and allows inspections more than once a year and it requires training for inspectors.

{Tape: 1; Side: A; Approx. Time Counter: 13 - 45}

Proponents' Testimony:

Brad Griffen, Montana Restaurant Association, said county health officers should be certified. Sanitarian personnel should know the proper handling of food and therefore should be required to go through more training.

{Tape: 1; Side: A; Approx. Time Counter: 45 - 91}

Bill Stevens, Montana Food Distributors Association, said in the current statute, nonprofit organizations didn't pay for licensing but in the new legislation they will pay for licensure.

{Tape: 1; Side: A; Approx. Time Counter: 91 - 103}

Joan Myles, Lewis & Clark County Health Department, said there will be a fee change for inspections from \$60 to \$75. Inspectors will now be required to take additional training.

{Tape: 1; Side: A; Approx. Time Counter: 103 - 150}

Jill Todd, Sanitarian, Missoula City-County Health Department, provided written testimony.

EXHIBIT (buh76a01)

{Tape: 1; Side: A; Approx. Time Counter: 150 - 190}

Opponents' Testimony: None

Informational Testimony:

SEN. WALTER McNUTT, President Pro Tempore, presented written testimony which he requested be included in the Committee minutes.

EXHIBIT (buh76a02)

Questions from Committee Members and Responses:

REP. MORGAN asked **SEN. KEENAN** about the cost of licensure for operating a kiosk. She owns three of them in Helena and indicated the price of a license for this type of establishment should be less. She questioned if an amendment would meet with the sponsor's wishes. **SEN. KEENAN** indicated he would not object to an amendment regarding this matter.

{Tape: 1; Side: A; Approx. Time Counter: 209 - 359}

REP. WEISS asked Ms. Myles about the cost required by the counties to train health inspectors. **Ms. Myles** said the cost is estimated to be \$75 and the licensure is only \$60 now.

{Tape: 1; Side: A; Approx. Time Counter: 359 - 412}

REP. MENDENHALL asked Ms. Myles about the charges for nonprofit organizations. He also questioned the new licensure of \$40.00. **Ms. Myles** said the licensure now was at no charge for "nonprofits" and she also said the \$40 figure was from a bill draft of two years ago.

{Tape: 1; Side: A; Approx. Time Counter: 412 - 512}

CHAIRMAN McKENNEY asked **SEN. KEENAN** about the bills in previous sessions which have been contentious and have not passed Committee. **SEN. KEENAN** did the consensus and come together with the bill drafters and this bill is the result. This bill also has no opposition. **SEN. KEENAN** said it was his decision to not have that fight again and get some good legislation going.

{Tape: 1; Side: B; Approx. Time Counter: 5 - 30}

Closing by Sponsor:

The Sponsor closed.

{Tape: 1; Side: B; Approx. Time Counter: 30 - 31}

Sue Moore, Executive Director, Montana Job Training Partnership, administers the Federal Work Force Investment Act dollars across Montana. She presented the Committee with the Montana Employer Focus Groups Report which is a product of the Balance of State Joint Council and the Concentrated Employment Program Workforce

Investment Board. **Bob Henry and Tom Hayes** presented testimony regarding this workshop.

EXHIBIT (buh76a03)

{Tape: 1; Side: B; Approx. Time Counter: 31 - 500}

EXECUTIVE ACTION ON SB 458

{Tape: 2; Side: A; Approx. Time Counter: 1 - 500}

Motion: REP. STEINBEISSER moved that SB 458 BE CONCURRED IN.

Motion: REP. GALLIK moved that SB 458 BE AMENDED.

EXHIBIT (buh76a04)

Discussion:

REP. GALLIK explained the amendments.

CHAIRMAN MCKENNEY and REP. KEANE opposed the amendment.

Vote: A roll call vote was taken on the amendments. Motion failed 7-11 with REPS. BERGREN, FRITZ, GALLIK, GALVIN-HALCRO, LAWSON, WEISS and WILSON voting aye.

Discussion:

REP. MORGAN said she did not want Northwestern Energy "to go down."

REP. BERGREN discussed the court case and said he opposes this bill.

REP. BOOKOUT-REINICKE said there were many stockholders who lost their investments and she supports this bill.

REP. MENDENHALL said he agreed with REP. BOOKOUT-REINICKE and he supports the bill.

REP. FRITZ said this bill was a balance of power and a separation of power at the same time and she opposes this bill.

REP. BITNEY said the stock in Touch America had caused many problems with the company and he supports this bill.

REP. GALLIK said this is legislation for one company only and he opposes the bill.

REP. KEANE said no community has been harmed more than Butte/Silverbow. He also indicated the judicial system will take care of this problem and he supports this bill.

REP. WILSON said this type of legislation belongs in the Judiciary Committee and not the Business & Labor Committee. He also opposes the bill.

REP. GALVIN-HALCRO said this was a special interest bill and also indicated this bill belongs in the Judiciary Committee. She opposes this bill.

CHAIRMAN MCKENNEY said the Committee had agonized over this bill and he felt although we didn't have as many lawyers on our committee as is in the Judiciary Committee, Business & Labor Committee could also act on this responsibly. Northwestern Energy did nothing wrong and he supports this bill.

Vote: A roll call vote was taken. Motion carried 11-7 with **REPS. BERGREN, FRITZ, GALLIK, GALVIN-HALCRO, LAWSON, WEISS and WILSON** voting aye.

ADJOURNMENT

Adjournment: 11:00 A.M.

REP. JOE MCKENNEY, Chairman

ALBERTA STRACHAN, Secretary

JM/AS

EXHIBIT (buh76aad)